

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEN MOOREHEAD,

No. C 09-02974 CRB

Plaintiff,

**ORDER**

v.

UNEMPLOYMENT,

Defendant.

Now pending before the Court is Plaintiff's application to proceed *in forma pauperis*. A court may authorize a plaintiff to prosecute an action in federal court without prepayment of fees or security if the plaintiff submits an affidavit showing that he is unable to pay such fees or give security therefore. See 28 U.S.C. § 1915(a). Plaintiff has submitted the required documentation, and it is evident from his application that his assets and income are insufficient to enable Plaintiff to prosecute the action. Accordingly, Plaintiff's application to proceed *in forma pauperis* is hereby GRANTED.

Under 28 U.S.C. § 1915(e)(2), the Court is required to dismiss a case when it is frivolous or "fails to state a claim on which relief may be granted." Where a plaintiff is proceeding pro se, the Court must construe the complaint liberally. Karim-Panahi v. Los Angeles Police Dep't, 839 F.2d 621, 623 (9th Cir. 1988). Nonetheless, the complaint must be sufficient to place defendants on notice of the nature of the claims asserted against them. McKeever v. Block, 932 F.2d 795, 798 (9th Cir. 1991).

1 Plaintiff's complaint will be dismissed because it is frivolous and fails to state a claim  
2 on which relief may be granted. A fatal defect in Plaintiff's complaint is that it fails to name  
3 a defendant. The "defendant" cited by Plaintiff is merely "unemployment." Article III of the  
4 United States Constitution limits the jurisdiction of federal courts to cases or controversies  
5 between adverse parties. U.S. Const. art. III § 2. In order to sustain a suit in federal court, a  
6 complaining party must show "an injury to himself that is likely to be redressed by a  
7 favorable decision." Simon v. Eastern Kentucky Welfare Rights Org., 426 U.S. 26, 38  
8 (1976).

9 Here, Plaintiff has not identified an adverse party against whom he seeks relief. His  
10 complaint, running forty-eight paragraphs in length, is largely unintelligible. Plaintiff makes  
11 multiple references to his employment with Safeway, but it is not clear whether he is  
12 attempting to bring suit against the grocery chain. The complaint also does not address what  
13 relief Plaintiff ultimately seeks to achieve.

14 Aside from the jurisdictional defect in Plaintiff's complaint, the Court is unable to  
15 discern what legal claim Plaintiff aims to set forth. Plaintiff variously discusses unfair  
16 treatment, retaliation, and slavery, but there is no cogent underpinning to a cognizable claim.  
17 Plaintiff also complains that he was denied unemployment, but this Court is not the venue for  
18 challenging the denial of state unemployment benefits. The California Employment  
19 Development Department ("EDD") administers the state's unemployment benefits program.  
20 The EDD provides an administrative process whereby individuals may appeal a finding of  
21 ineligibility through the California Unemployment Insurance Appeals Board. Federal courts  
22 do not have jurisdiction over these appeals. See 28 U.S.C. §§ 1331, 1332 (establishing the  
23 bases of subject matter jurisdiction in federal district courts).

24 Accordingly, Plaintiff's complaint is hereby DISMISSED with leave to amend.  
25 Plaintiff shall be given thirty (30) days from the date of this order in which to amend his  
26 complaint. In his amended complaint, Plaintiff shall name a defendant and identify each  
27 claim clearly and legibly and state the specific facts supporting each claim. The Clerk is  
28

1 directed to close the file in this case if an amended complaint is not filed within thirty days of  
2 the date of this order.

3 **IT IS SO ORDERED.**

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6 Dated: July 7, 2009

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California